

Appl No. 09/828,239
Reply Dated January 25, 2006
Reply to Office Action of October 25, 2005

REMARKS

Claims 1-14 and 29-30 are pending. There independent claims are claim 1 and claim 29.

Applicant respectfully requests reconsideration and allowance of all pending claims.

Claim 1 has been amended after Final Rejection in order to place it in better condition for appeal. The limitation added, namely that the light conducting path is on the “exposed exterior surface” mirrors the limitation added to claim 29 in the Amendment filed on August 4, 2005 in this Application, which the Examiner has previously considered. Therefore, the amendment raises no new issues and should be permitted after final rejection.

The Examiner has rejected the pending claims as being anticipated by Shea, or being obvious in light of Shea in combination with an additional reference. Applicant respectfully traverses the rejection of the pending claims. Shea (and all of the other cited references) fails to show a light conducting path that is “permanently formed within and non-affixed on” an exposed exterior surface, as recited in each of the independent claims.

The Examiner appears to assert that the limitation in question is shown by Shea at column 3, lines 23-35. In Shea, the light conductive path is not provided at an exposed exterior surface of the helmet. Instead, in Shea, the fiber optic transmitters are placed between the body and the shell of the helmet. Alternatively, Shea notes that the transmitters could be “molded directly into the shell.” (lines 3-35, emphasis added). An embodiment with light transmitters molded into the shell is not shown, nor described in any detail in Shea. Certainly Shea does not show or describe a transmitter that is permanently formed within and not affixed on a surface. In the first instance, the transmitter is between the shell and the body, and apparently not permanently formed within either. In the second instance it is molded within the shell, and not

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provided at the surface. In any event, Shea always contemplates that the transmitter will be covered, not exposed.

It is clear from the description in Shea that by the phrase "into the shell" it is meant that the fiber optics could be embedded within the shell, not located on the exterior surface. An important feature of the Shea reference is that it uses the emitted light to illuminate a phosphorescent outer shell, rather than to directly provide light to the exterior of the shell. Therefore it would not be sensible to mold the fiber optic emitters to the exterior surface. Indeed, the worst place to locate the fiber optics in Shea would be on the exterior surface of the shell because that would minimize the amount of light provided to the phosphorescent material.

The independent claims, claims 1 and 29 both recite a light conducting path or fiber optic conductors that are "permanently formed within and non-affixed on" an exposed exterior surface. None of the cited references show this feature. As a result, the rejections based on the Shea reference should be withdrawn, and all of the pending claims should be allowed.

Applicant has filed a Notice of Appeal concurrently herewith in order to preserve its rights. Applicant respectfully requests that the Examiner enter the Amendment regardless of whether the Examiner agrees that the amended claims are allowable.

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Conclusion

In light of the foregoing, Applicant submits that all of the currently pending claims are in condition for allowance, and respectfully requests that the application be passed to allowance. In the event the Examiner has questions or comments and a telephone conversation would expedite a resolution, the Applicant invites the Examiner to contact the undersigned attorney at (515) 699-3276.

Respectfully submitted,



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JAN 25 2006

PTO/SB/97 (09-04)

Approved for use through 07/31/2006. OMB 0561-0031

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Serial No.09/828,239

Docket No.: 447694-16

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on January 25, 2006

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Response to Office Action

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